REMARKS/ARGUMENTS

Claims 1-32 are currently pending in the above-captioned application. The Examiner issued a restriction requirement in the Office Action in which it is urged that there are two separate inventions.

Applicants elect, with traverse, the invention of Group I of claims 1-29 drawn to a species as follows: an imaging agent comprising a barbituric acid matrix metalloproteinase inhibitor labeled at the 5-position of the barbituric acid with an imaging moiety selected from (i)-(vii). As part of their traverse response, Applicants submit revised claims in which Claim 1 has been amended (*seeabove claim amendment and below*).

In the event that, the restriction requirement is maintained, even for the currently amended claims, Applicants confirm that they are prepared to cancel the alleged separate invention of Group II, i.e. claims 30-32. In such circumstances, Applicants reserve the right to file a divisional application on the non-elected claims at a later time.

Traverse

Claim 1 has been amended to include the preferred feature, from page 4 lines 17 to 19 of the specification, that the "imaging moiety" can be detected externally in a non-invasive manner. That precludes the beta-emitter suitable for intravascular detection by virtue of the phrase "intravascular detection" – hence option (vii) has been deleted from amended claim 1.

Since clear basis has been shown on page 4, lines 17-19 of the specification as filed, it is believed that the amendment does not add new subject matter.

The Examiner's non-unity rejection was based on the alleged disclosure in US 5,738,836 of a beta-emitting radionuclide (eg. ^{14}C) conjugated to the 5-position of barbituric acid derivatives. The invention of Group I of currently amended claim 1 is believed to be clearly novel over US 5,738,836 because "imaging moieties" which are beta-emitting radioisotopes are now clearly outside the scope.

The invention of Group I of amended claim 1 is also believed to make an inventive contribution over the prior art, by providing imaging agents which permit *in vivo* imaging external to the mammalian body in a non-invasive manner. It is clearly advantageous to be able to image in a non-invasive manner, and this is believed that represents a "special technical feature" which makes a useful contribution over the prior art.

Since amended claim 1 is believed to possess a "special technical feature", Applicants contend that Group I and Group II of the amended claims submitted herewith do possess unity, and that consequently the restriction requirement should be withdrawn.

CONCLUSION

In view of the remarks hereinabove, Applicants respectfully submit that claims 1-32 should be examined together in the instant application.

Any questions with respect to the foregoing may be directed to Applicant's undersigned agent at the telephone number below.

Respectfully submitted,

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